IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.8394 OF 2005
IN
CRI.APPLICATION NO. 8393 OF 2005
IN
WRIT PETITION NO. 1088 OF 1995

Mr.Domnic Alex Fernandes
and Ors. ..Applicants

Vs.

The Union of India & Ors. ..Respondents

...

Mr.R.V.Govilkar Advocate for Applicants
Mr.J.C.Satpute for Respondent Nos.1 and 2

...

CORAM: D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI,JJ.

DATE : MARCH 27, 2006

P.C.:

1. This is an application for condonation of delay in bringing legal heirs of the original Petitioner Nos.1,3 and 8. There is delay of about 1174 days. The petition is pending since 1995. They are legal heirs and sought to be brought on record. They were not aware of the proceedings, they were illiterates and they were not knowing the legal consequences and therefore, delay has occurred.

2. Mr.Satpute, learned counsel for the Union of India opposed this application on the ground that there is no proper explanation. However, in the facts and circumstances, we are satisfied with the explanation for delay and hence, the delay is condoned. The applicants be brought on record in place of the deceased petitioners within two weeks and amended copy to be served upon the respondents within two weeks thereafter.

3. Application is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]